

## ABORIGINAL ORGANIZING IN SASKATCHEWAN: THE EXPERIENCE OF CUPE<sup>1</sup>

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I have been involved in organizing Aboriginal workers for about 25 years - first as an Aboriginal union activist and now as a national staff representative working for the Canadian Union of Public Employees (CUPE) in Saskatchewan. The only reason I got involved in the union was to boost Aboriginal employment in the 1980s using an employment equity plan. Within a few years I became Chief Shop Steward in my CUPE local union in the City of Regina and got involved at all levels and in all issues of the union, gaining a broad base of education and experience. As a result I gained the members' respect because I knew my stuff and helped make gains for the local. By not being seen as a one-issue guy I was

<sup>1</sup>The following article is based on a presentation on Aboriginal Organizing at Advancing the Union Equity Agenda conference, March 2005. With thanks to Cheryl Stadnichuk, CUPE Saskatchewan Research Representative for assistance.

The following are definitions of terms used in this article. **Aboriginal** is an all-inclusive term for Indians, Métis and Inuit peoples. **Indian** is a term that describes all the Aboriginal people in Canada who are not Inuit or Métis. In addition, there are three legal definitions that apply to Indians in Canada: Status Indians, Non-Status Indians and Treaty Indians. **Status** refers to whether an Indian person is registered under the Indian Act and meets the requirements of the Act. A **Treaty Indian** is a Status Indian who belongs to a First Nation that signed a treaty with the Crown, or a person of Aboriginal ancestry who holds treaty status under the Federal Indian Act, as identified through the municipality codes indicating the registered reserve. **First Nation** is a term that came into common usage in the 1970's to replace the word "Indian". Although the term First Nation is widely used, no legal definition of it exists. Among its uses, the term "**First Nations Peoples**" refers to the Indian people in Canada, both Status and Non-Status. Many Indian people have also adopted the term "First Nation" to replace the word "band" in the name of their community. **Métis** people are of mixed First Nation and European ancestry with a shared history, common culture that draws on their diverse ancestral origins, such as Scottish, French, Ojibway and Cree and a unique language. **Inuit** refers to Aboriginal people in northern Canada, who live above the tree line in the Northwest Territories, and in Northern Quebec and Labrador. The word means "people" in the Inuit language - Inuktitut. The singular of Inuit is Inuk. (Source: Manitoba Centre for Health Policy at:

[http://www.umanitoba.ca/centres/mchp/concept/thesaurus/thesaurus\\_F.html](http://www.umanitoba.ca/centres/mchp/concept/thesaurus/thesaurus_F.html))

later able to turn my focus back on getting a representative workforce.

I have come to realize that unions have made advancements on Aboriginal issues but we've only just begun to scratch the surface. There is a lot more to be done, and more quickly, now than in the past. It is not easy to organize Aboriginal workers or improve their conditions of work. As CUPE has become more intensely involved in organizing in the Aboriginal community in Saskatchewan, Manitoba, British Columbia, and Quebec, we had to constantly reflect on our organizing strategy and adapt to new situations. What follows is a discussion of some of what we have learned through our experiences.

#### **WHY ORGANIZE IN THE ABORIGINAL COMMUNITY?**

In Saskatchewan, fast changing demographics are one important reason why unions need to be doing more to improve the job opportunities and working conditions of an emerging Aboriginal workforce. Large growth is expected in the Aboriginal community, rising from 14 percent now to about one third of the population of Saskatchewan by 2045. One of every four new labour force entrants in Saskatchewan is expected to be Aboriginal in future. Over the next ten years an additional 46,000 Aboriginal people will be ready to enter the workforce.

Currently only 47 percent of

Aboriginal people of workforce age are participating in the workforce. The unemployment rate of Aboriginal people is 20 percent, more than double the non-Aboriginal rate. The cost of under-utilizing our workforce is borne by everyone. There will be enormous savings if we can take every opportunity to ensure that Aboriginal people have access to jobs and economic activity. It has been estimated that by working together and providing training and employment opportunities for Aboriginal people, Saskatchewan can expect an estimated gain of \$1.2 billion annually, due to reduced health, human justice services, and social assistance costs.

At a national union meeting of Aboriginal workers - many issues were talked about which included deplorable housing, high suicide rates, abuse issues and social conditions - not the usual list of why unions organize workers. But organizing is just the right thing to do. It is a provincial tragedy that employers have not yet removed barriers to Aboriginal workforce participation at a representative level. The demographics speak of a disaster in the making, if nothing is done to resolve these issues.

We are also seeing a growth in the number of Aboriginal employers as First Nations increase their economic activity and continue to expand their inherent right to govern their own communities. In Aboriginal workplaces - band

councils, or First Nations and Métis institutions and enterprises – the workers are mostly unorganized and have little job security or other protections. CUPE has been developing a working document on how to organize Aboriginal workers for a number of years. We need to build on this experience and continue to revise and advance strategies for organizing in the Aboriginal community. A national meeting of Aboriginal activists, staff and political leaders in the spring of 2006 occurred to develop a national organizing plan, identifying provincial targets.

Unions need to prepare for an influx of Aboriginal workers in the workplace and examine their own union structures to see if there are barriers to Aboriginal participation. Unions also need to consider how to represent Aboriginal members in the workplace. This may mean understanding and negotiating different collective agreement language.

#### **CUPE'S ABORIGINAL ORGANIZING STRATEGY**

CUPE's Aboriginal organizing strategy has been constantly evolving over the years. We already represent support staff at the Saskatchewan Indian Federated College, workers at three Friendship Centres, and the Fort Qu'Appelle Indian Hospital. As we started organizing workplaces such

as Friendship Centres or started making contacts on reserves, we faced a number of obstacles that have made us rethink how we do this work. Some of these obstacles include lack of understanding about unions in the Aboriginal community, opposition from Aboriginal leadership, questions regarding jurisdiction in labour relations matters, and the need for different approaches to organizing.

#### **CREATING A POSITIVE IMAGE OF UNIONS**

One of the lessons we learned quickly in our organizing strategy was that we had to try to build a positive image of our union and unions in general. Several years ago an Aboriginal staff member went out to organize staff at one of the largest bands in the province. Shortly after his visit to this reserve, he received a letter from the band stating that he was not allowed on the reserve unless he got approval first from the band and council.

Through this incident we realized that we had to try and change our image and the perceptions that the Aboriginal communities have of unions. Since then, for the past four years, we have hired an Aboriginal organizer who is First Nation. This organizer has traveled to all the reserves in Treaty Four,<sup>2</sup> has set up tables at

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<sup>2</sup> Treaty Four refers to a treaty signed with Aboriginal bands under the Indian Act. Treaty

Pow Wows and has handed out information about our union. CUPE has also hired an organizer from the Métis Nation to attend and set up a table at the largest public event the Métis hold annually, which is the Back to Batoche days. We have also been developing our own materials specific to the Aboriginal community. Our organizers have developed a database and contact list for all the reserves and urban Indian and Métis institutions and have been making presentations to some of the reserve schools about unions. One of our goals is to create a presence and inform people about unions because there are so many misconceptions in the Aboriginal community.

Another component of our strategy was to train and sensitize all of the CUPE staff in the province on Aboriginal issues. We felt it was very important that we did staff training on a reserve to send a message to the First Nations leadership and community that our union is working hard on these issues. Our staff has continuous contact with CUPE members in different workplaces in the province and can pass on that sensitivity to our locals throughout the province.

Other important items were to develop educational sessions for our members and to provide model contract language on Aboriginal issues and cultural events to our

negotiators across the province in their contract proposal package.

## DIFFERENT APPROACHES TO ORGANIZING

We realized from the start that organizing Aboriginal workers couldn't be done in the traditional way that unions organize workers. First, it is important that organizers be First Nations so they understand the culture and traditions and can establish a level of trust. A much more personal approach is required compared to the traditional union strategy of calling a meeting of interested workers. Our organizer has spent a lot of time sitting and talking one-on-one with people and feeling successful if they were allowed into a building on a reserve.

We have also had to adjust our expectations of how an organizing drive should develop. Once, we were organizing a large Aboriginal workplace and found that quite a few workers were the first generation that had ever had contact with a union. After we had many meetings with them, and it looked like they were about to sign union cards, they told us that they had to talk to their elders first, before they would sign the cards. It was a frustrating process because we were so close to getting them to sign union cards and then they pulled back. But we had to respect that process and be patient and wait until they talked to an elder.

We have discussed different

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Four encompasses many reserves in Southern Saskatchewan.

approaches for organizing in Aboriginal communities such as holding a feast, an activity that involves the whole community, not just potential union members. We had one experience where one of our contacts on a reserve suggested that the idea of forming a union be put to a vote by the whole community instead of just having the workers sign union cards.

These different approaches make us ask, "What is the role of the union in the community?" Unions such as CUPE subscribe to the idea of social unionism - the idea that unions are not just fighting for the bread and butter issues for their members on the job, but they have a role to play in creating a better society. When we look at the conditions on reserves - the high unemployment levels, substandard and crowded housing conditions, high suicide rates, and the poor quality drinking water -- it becomes obvious to us that the union has to play a broader role in improving the quality of life on reserves.

One way CUPE does this is by raising the issue of undrinkable water on reserves and challenging the dominant strategy of turning to public-private partnerships as the way to address the water problem. As well, the union tries to educate its members to challenge racial stereotypes and myths about Aboriginal people and seeks to develop broader membership support for the right to Aboriginal self-government, respect for treaties,

justice for Dudley George (the individual killed in the Ipperwash dispute) and freedom for Leonard Pelltier (imprisoned in the United States.) June 21, national Aboriginal day, is used to raise awareness of these concerns as well as through ongoing educational materials and discussions.

In our strategy meetings with other Aboriginal CUPE activists and staff from across the country, we spent a lot of time discussing the social and economic conditions in Aboriginal communities. The only solution is to get Aboriginals working and contributing to the tax system rather than living off the tax system.

#### **DEALING WITH OPPOSITION FROM FIRST NATIONS LEADERSHIP**

While the lack of knowledge about unions is one barrier, the major obstacle remains the opposition from First Nations leadership, some of whom are anti-union and argue that unions don't have jurisdiction on their reserves or institutions.

One method that First Nations' leadership use to thwart unions' efforts to organize Aboriginal workers is to raise questions of jurisdiction. For example, when the Canadian Auto Workers (CAW) filed an application to certify the casino workers at Northern Lights Casino in Prince Albert, the Saskatchewan Indian

Gaming Authority argued that the casino was an Indian business operating outside the jurisdiction of provincial labour laws.

In June 2000, CUPE filed an unfair labour practice and monetary loss and reinstatement for a member who was trying to organize the Saskatchewan Indian Institute of Technology (SIIT). The reply by SIIT was that the provincial government had no jurisdiction over them, and that they were under federal jurisdiction.

In fact, First Nations have developed their own labour codes that would govern employer-employee relations. For example, the Scugog Island First Nation did so in 2003 shortly after the Canadian Auto Workers organized its employees at the Great Blue Heron Gaming Company. While it was modeled on the Canada Labour Code, it differed in important aspects such as not containing the right to strike or lockout. The Ontario Labour Relations Board disagreed that this was an exercise of an inherent right to self-government to regulate work-related activities on its territory, since regulation of labour relations was not a distinctive Aboriginal tradition, and held that Ontario labour laws applied to the casino. Following the Board decision the CAW successfully negotiated a three-year collective agreement.

We have also had to deal with the issue of third party funding, which complicates who the employer is. When the Regina

Friendship Centre was organized, the government pulled its funding and moved programs that the Centre had been administering to other agencies in Regina. We had to track where the programs surfaced and challenge successor rights under the *Trade Union Act*. CUPE filed an unfair labour practice (ULP) against the employer and the federal government, but the ULP was challenged on the grounds that the employer fell under federal jurisdiction and therefore a provincial board could not hear the matter.

We also faced a situation when trying to certify our union at the Fort Qu'Appelle Friendship Centre, where the Centre claimed not to be the employer and stated that Native Leasing Corporation, based on a reserve in Ontario, was the employer.

Eventually, the unions won the right to organize these workers, but these jurisdictional issues make it that much more difficult for unions to organize Aboriginal workers and consumes a lot the union's time and resources. The Union's position when dealing with Aboriginal employers is to let them know that we'd rather negotiate than litigate and we encourage them to come to the table with us.

CUPE has tried to deal with this opposition by negotiating language in collective agreements with Aboriginal employers in British Columbia and Saskatchewan that recognizes the inherent right to self-

government. We also have negotiated language that recognizes the role of Elders, provides leave for spiritual or special bereavement duties and to accommodate hunting seasons. One of our major successes is representative workforce language in Aboriginal agreements and in our provincial health care agreement that covers over 14,000 health care workers in Saskatchewan.

### **REPRESENTATIVE WORKFORCE STRATEGY**

Negotiating employment equity plans in the workplace was the first strategy unions used to increase employment opportunities for Aboriginal, visible minority, women, and disabled workers. When Employment Equity plans began in the 1980s in Saskatchewan, around 2 percent of the workforce was Aboriginal. Now, in workplaces with employment equity plans, the participation rate for Aboriginals is between 7.6 to 9.8 percent. In workplaces without a plan, the participation rate is still at a dismal 2 percent.

CUPE realized a focused approach to get Aboriginal people working had to be a priority. Employment equity programs were not sufficient, so the union adopted a strategy to enhance equity programs.

In November of 2000, CUPE signed a Partnership Agreement with Government Relations and

Aboriginal Affairs to promote a Representative Workforce Strategy. The definition of a Representative Workforce is one that sees that, "Aboriginal people<sup>3</sup> are represented in the workplace at all classifications and at all levels in proportion to their working age population ". In other words, the workplace should reflect the community it serves. The key component of the strategy is to ensure Aboriginal people are trained and qualified so that Aboriginal people can compete for jobs on a level playing field.

From this general agreement flowed a Tripartite Agreement signed between the CUPE Health Care Council, SAHO (Saskatchewan Association of Health Organizations) and the Government (Government Relations and Aboriginal Affairs). A Tripartite committee was formed to promote the Representative Workforce Strategy, to identify any possible barriers in collective agreements and to make recommendations for change to the executive and bargaining committees from both the employer and the union. The Health Care sector was chosen because that sector was the largest public sector employer in the province and it had the largest variety of classifications.

The work started by getting language into the collective agreement, which covered 14,000

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<sup>3</sup> Aboriginal People are defined here as Indian (First Nation), Métis and Inuit.

health care workers in the province (See the sidebar following this article). The tripartite committee of government officials, union, and employer representatives drafted contract language to provide for education, succession planning and retaining Aboriginal workers. The proposed contract language was presented to the membership of the Union. The members endorsed the contract language that was then presented to the union-employer bargaining committee who then agreed to it without making any changes at the bargaining table. We then presented the agreement in total to our membership who had another shot at turning down the language – but it was passed.

The tripartite partners - Union, the employer, and one department of government, then made a presentation to the executive council of government for funding of all educational programming needed for the strategy.

The educational programming had to include preparing the workplace for Aboriginal people and also preparing Aboriginal people for workplaces, overcoming negative effects of equity programs and misunderstanding of Aboriginal people in general. An Aboriginal Awareness Training workshop was developed by the partners to engage participants in dialogue to dispel myths and misconceptions regarding Aboriginal people. The delivery of workshops is also done

in partnership with union and management representatives facilitating it for all health care workers.

CUPE has hired an Aboriginal Education co-coordinator to follow through on this strategy. The union made a pitch to government to fully fund this position for one year to give the Union time to find monies to continue paying for this position. Currently, we have an agreement with government to equally share the funding of this position by both the Union and the Government.

Changing the attitudes of Aboriginal people to unions, and to this particular employer, was another important focus of our work. We found barriers to Aboriginal involvement through the partnership studies. We saw that seniority clauses in our agreements were viewed negatively. As well, Aboriginal people were not applying for jobs with this employer because they felt that they did not have much of a chance of being hired. This perception was reinforced by the low representation of Aboriginal people in this employer's workforce.

Training was another key component of the strategy. It involved working directly with other stakeholders such as Aboriginal institutions and educational institutions to ensure that the training programs were in place to qualify Aboriginal people for health care positions. Numerous



meetings were set up to assure the training institutions that jobs would be provided and to ensure that sufficient training spaces would be available for Aboriginal students.

## **OUTCOMES**

A major focus internally was to involve all health care workers in the Aboriginal Awareness Training. It began in mid-2003, in the CUPE Health Care sector. By February 2005, approximately 6,700 CUPE Health Care workers and managers have received the training.

A “train the trainer workshop” was offered to workers within the Health sector to ease the workload of the two facilitators from CUPE and SAHO. With the increase and demand of the workshops, it was decided that more facilitators were needed. Twenty-four interested participants took the training of which three were CUPE members.

Part of our external strategy involved preparing members of the Aboriginal community to enter the workforce. Approximately 500 Aboriginal people have gone through a work preparation program. The government and employer fund the program. The Union makes presentations to Aboriginal people during the training. We explain seniority provisions and what this representative workforce program is meant to do – hire and retain Aboriginal people.

We have had some success with other components of our external strategy. An example is in Prince Albert/Parkland Health Region. The Métis community was asked if they could train licensed practical nurses because a shortage was identified. Through a partnership between Aboriginal and government educational institutions the program was offered to the Métis community, with government funding. In the last four years, the Métis community has trained 20 students each year and those graduates were all retained in employment by that health region.

Aboriginal people now have positions such as special care aids; home care workers, and licensed practical nurses. There are more students entering the health care field particularly nursing. Approximately 1500 Aboriginal people have been hired since the Partnership Agreements were signed. This is a significant rise. The participation rate of Aboriginal people prior to signing partnership agreements was 1 percent and now is at 5 percent, across Saskatchewan in the health care sector.

## **PLANNING FOR THE FUTURE**

Our next task is to extend the Representative Workforce Strategy to other sectors where CUPE represents workers in Saskatchewan. Presentations of what this strategy is all about have been made to municipal workers, school board,

university, and library workers and are scheduled in future for civic federations and union locals that have not received the presentation. Our task, as a union, is to convince our employers that we need to sign formal partnership agreements to address the need of getting Aboriginal people into the workplace. This approach is making headway. Two CUPE school board locals in Saskatoon have now signed Partnership Agreements for a representative workforce strategy.

Aboriginal people must feel welcome when they enter the workplace. By addressing the issues of myths and misconceptions of Aboriginal people within our workplaces, and reaching out and convincing Aboriginal people to come to work within a union setting, only then can we achieve a representative workforce.

The partnership agreement on a representative workforce also demonstrates to Aboriginal employers that relations with unions do not need to be confrontational. All decisions made through the partnership agreement reflect the co-operative spirit and practices characteristic of Aboriginal traditions. All decisions are made through consensus. No votes are taken. Instead, the parties talk through contentious issues, like seniority, until a consensus is reached.

## **UNIONS ARE CHANGING TO INCLUDE ABORIGINAL WORKERS**

It is not only our workplaces that have to change. Unions have come to realize that they needed to show a commitment to the goal of developing a representative workforce. As a result, unions have made changes to their structure that allows for Aboriginal representation.

The Saskatchewan Federation of Labour, for example, created a position for Aboriginal Vice-President on their executive council in 1994, and formed an Aboriginal Working Group in 1998. In 1997, CUPE created an informal National Aboriginal Council to increase the participation and representation of our Aboriginal members in the union. In October 2005, as a result of Aboriginal members and their partners' organizing, the CUPE national convention passed a constitutional amendment to establish a formal National Aboriginal Committee that will meet for the first time in May 2006. At the provincial level, Saskatchewan was the first region in CUPE to establish an Aboriginal Council<sup>4</sup>. We also have an Aboriginal Vice-President on the CUPE provincial executive and two diversity positions on the national executive board with one of the positions designated strictly for an

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<sup>4</sup> Founding meeting of the Aboriginal Council was held in Saskatoon on June 21, 2001: National Aboriginal Day.

Aboriginal representative.

We've come a long way since the days when Aboriginal issues were delegated to Human Rights committees of our union. It is important to emphasize this because part of our long-term vision has been to create an "Aboriginal Union." CUPE's Aboriginal Council is a union within the union – a place where Aboriginal members can come together, discuss the issues they are facing in the workplace and in their lives, and play an active role in developing strategies and making decisions within the union.

We've already seen positive results for the union since we formed the Aboriginal Council. At the founding meeting of our Aboriginal Council, we had about 70 Aboriginal CUPE members attend. Some of them had been members of CUPE for many years, but had never attended a CUPE event. Since that meeting, however, we have seen a greater participation of our Aboriginal members at our provincial convention and many of them were elected to the executive or as members of provincial committees. We are building activists who can take leadership roles in the union.

Changing the structure of unions so that Aboriginal members can be involved is an important foundation for our organizing strategy and who better to assist on ideas on how to organize a distinct group than representatives from that distinct group. If we are trying to

get Aboriginal workers to sign union cards, we want these workers to know that there is a place within CUPE that represents them, gives them a voice, and provides them with the space and resources to be activists in the union.

## CONCLUSION

So, what can the union do to improve conditions for Aboriginal people? We can continue to sign and push for the implementation of partnership agreements and employment equity to increase Aboriginal employment in our workplaces. Through the partnership agreements, we have been able to sit down with Aboriginal leaders, provincial governments and employers to develop a plan to create a workforce that is representative of the community. As part of the partnership agreement in health care, CUPE has hired a First Nations Education Coordinator who has developed training for 14,000 health care members and is working with employers to create a representative workforce. This demonstrates to Aboriginal communities, and our members, that the union can be a positive force in addressing discrimination and under-representation in the workplace.

We must also keep trying to organize in the Aboriginal communities to try to establish better job security and working conditions for Aboriginal workers.

And we must demonstrate that we are part of the solutions for the community, not an outside “white” union that is going to dictate “white man’s” rules. That is why changing our structure to create an Aboriginal Council and our successes in negotiating collective agreement language that reflects the culture and needs of the Aboriginal community has been so important.

### **S I D E B A R**

#### **PARTNERSHIP AGREEMENT SIGNED BETWEEN THE EMPLOYER, GOVERNMENT AND UNION**

Article 23.05 - Representative Workforce

a) Preamble - The parties will address proactive processes that support a representational workforce which shall include but not be limited to identifying employment opportunities, education and training, and preparing workplaces.

b) Workforce Representation - The parties agree to the principle of a representative workforce for Aboriginal workers. The parties agree to charge the Employment Strategy Committee with the responsibility to develop, implement, monitor and evaluate pro-active initiatives designed to ensure Aboriginal People are present in all occupations in their

proportion to the provincial working population. Therefore, when hiring new employees, the Aboriginal representative principle shall be applied, providing there are qualified Aboriginal applicants for the vacancy.

c) Workplace Preparation - The parties agree to implement educational opportunities for all Employees to deal with misconceptions and dispel myths about Aboriginal People. This will include enhanced orientation sessions for new employees to ensure a better understanding of respectful work practices to achieve a harassment free environment.

d) In-Service Training - The parties agree to facilitate educational opportunities which may include literacy training and career path counseling/planning.

e) Elders - At the request of the employee, an Elder will be present when dealing with issues affecting Aboriginal employees.

f) Accommodation of Spiritual or Cultural Observances - The parties agree to make every reasonable effort to accommodate an Employee in order for them to attend or participate in spiritual or cultural observances required by faith or culture.